



BILL RICHARDSON  
Governor

August 6, 2003

STATE OF NEW MEXICO  
**OFFICE OF CULTURAL AFFAIRS**  
**HISTORIC PRESERVATION DIVISION**

228 EAST PALACE AVENUE  
SANTA FE, NEW MEXICO 87501  
(505) 827-6320

Julie A. Hall  
Chief, Environmental Resources Branch  
Corps of Engineers - Albuquerque  
District 4101 Jefferson Plaza, NE  
Albuquerque, NM 87109-3435

Dear Ms. Hall:

This letter is regarding two reports sent to our office by your Environmental Resources Branch. The first is titled *A Cultural Resources Assessment of Approximately 70 Acres for the Weir and Access Road at the Pueblo of Santa Ana, Sandoval County, New Mexico* (NMCRIS 79981). The second report is an addendum to the above-indicated report and is titled *A Cultural Resources Assessment of Proposed Erosion Control Measures for the 2003 Rio Jemez Weir Access Road Project* (NMCRIS 83217). Both reports, prepared for Santa Ana Pueblo by Earth Analytic, were received by our office on July 22.

On August 6, Ron Kneebone, John Schelberg, and Greg Everhart met with Jan Biella and me, to discuss and resolve issues our office has with the reports and with the consultation process, to date, with our office. As discussed in our meeting, the testing of sites, either of eligible or of undetermined eligibility, has the potential to adversely affect those sites. In keeping with the consultation process under Section 106 of the National Historic Preservation Act, our office should be consulted prior to systematic ground disturbance within known site boundaries. Our office does not need to be consulted when, as part of the survey phase, sites are "tested for eligibility based on their potential to contain subsurface deposits. However, when sites are systematically tested "in order to identify potentially significant archaeological deposits that would need to be avoided or protected during construction activities," as stated in the reports currently under review, this can have an adverse effect to a site and is subject to consultation with our office. Any measures that are put in place to "protect" sites, such as grovelling over a feature within a roadbed, could have adverse effects to a site and, therefore, are subject to consultation with our office.

You are requesting that we concur with a "no adverse effect" for the construction of a weir, and on

upgrade to and realignment of on access road through five sites. Before we can concur our office will need additional information, which I have listed as an appendix to this letter. We are not requesting the report be rewritten, but rather that the information be submitted so that we can attach it to the appropriate site forms. Our "conditional no adverse effect" is contingent upon receiving the additional information in a timely manner.

We appreciate your staff taking time from their schedules to meet with us. We look forward to consulting with you on future Santa Ana projects early in the planning stages. If you have any questions, please call me at 505-827-6340.

Sincerely,

Gwyneth Duncan Staff Archaeologist

HPD 68452

Cc:

Matthew Wunder, Pueblo of Santa Ana Wetherbee Dorshow,  
Earth Analytic

Appendix

Attachment (copy of letter from Santa Ana Pueblo with HPD comments)



### **Appendix**

#### **Additional information needed:**

- A copy of the testing plan in order to know the justification for the number and placement of test units and augering holes at the four tested sites.
- A copy of the letter report to Santa Ana DNR describing the testing results and the treatment recommendations (Penner et al. 2002, according to page 2 of report).
- An LA form will need to be filled out for the portion of the "old railroad grade" within the APE. Please see a copy of our comments to Santa Ana Pueblo regarding the railroad. The railroad, as a whole, is eligible to the National Register; however, the portion of the railroad within the current project area might not contribute to the eligibility if that portion lacks integrity. (To make a good case for lack of integrity, photographs would be very helpful.)
- According to page 8 of the report, artifacts from the excavations were reburied "in the bottom of the test units from which they derived." However, in our meeting of August 6, Mr. Everhart informed us that all artifacts were collected from the roadbed and were reburied. Where would these artifacts have been reburied? Please clarify.
- Page 8 states representative profiles were drawn, photographed, and described. This information should have been in the report, or at least attached to the LA forms. Please submit the profile drawings, descriptions, and photographs so we can attach these to the LA forms.
- Table 3 (page 26) does not specify which artifacts were on the surface and which came from test units. Please provide provenience information, including coordinates, and resubmit table to be attached to the LA form (see Table 6).

- Table 6 (page 31) lists artifacts collected in the ROW. What about the "5+ artifacts" recovered during site testing? (See first paragraph, page 30.) We will need provenience information for artifacts recovered from the test units.
- FYI: Tables on page 34 are referenced incorrectly - Table 8 should be 7 and Table 7 should be 8.
- Page 38 states 9 debitage pieces were recovered from the test units at LA 137049. We will need to know the material types and whether they were from the surface or level 1.
- Table 9 (page 40): Please revise table to include coordinates (see Table 6).